



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

September 14, 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7015 1520 0003 3990 6704

Robert E. Moore  
Vice President & General Manager  
Valero Refinery – Texas, L.P.  
9701 Manchester Street  
Houston, TX 77012

Dear Mr. Moore:

Enclosed is an Information Request (Request) issued to Valero Refinery-Texas, L.P. (Valero). This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act (CAA). Pursuant to this authority, the United States Environmental Protection Agency (EPA), Region 6, may require facilities to submit information in order to determine compliance with related provisions of the CAA.

The purpose of this Request is to obtain information regarding the Valero facility in Houston, Texas, in order to determine compliance with the Clean Air Act.

Please provide the information requested within seven (7) calendar days of your receipt of this letter to the person identified in Enclosure A. If you have any technical questions, please direct them to John Jones at (214) 665-7233. If you have any other questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Cheryl Barnett of the Office of Regional Counsel at (214) 665-8328. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "C1" followed by a long horizontal line, representing Cheryl T. Seager.

Cheryl T. Seager  
Director  
Compliance Assurance and  
Enforcement Division

Enclosures

ecc: Parker Wilson, Valero, [parker.wilson@valero.com](mailto:parker.wilson@valero.com)  
Ramiro Garcia, TCEQ, [ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)

**ENCLOSURE A**

**VALERO INFORMATION REQUEST**

The Environmental Protection Agency (EPA) is issuing this request for information to Valero, regarding its Houston, Texas, facility pursuant to Section 114(a) of the Clean Air Act (CAA) 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, Valero is required to provide a response to this Request regarding the Valero facility in Houston, Texas (the Facility).

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Valero. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Valero to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to this request was previously provided to EPA in conjunction with the recent EPA Air Compliance Inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided.

All information responsive to this request should be sent to the following:

John L. Jones  
Air Permitting Enforcement Section (6EN-AA)

Air Enforcement Branch  
Compliance Assurance and Enforcement Division  
U.S. EPA - Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Please be advised that some companies may qualify as a “small business” under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at:

[http://www.sba.gov/sites/default/files/Size\\_Standards\\_Table.pdf](http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf). If Valero qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at:

<http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF>. Please be aware that SBREFA does not eliminate Valero’s responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact Samuel Tate, listed above.

Notice is hereby given, pursuant to 40 CFR §§ 2.301(h) and 2.310(h), that EPA may disclose confidential information provided by Valero to EPA’s authorized representatives, including its contractors, Eastern Research Group (“ERG”). Confidential information may be disclosed to EPA’s authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 CFR §§ 2.301(h) and 2.310(h), Valero may submit, along with its response to this Information Request, any comments regarding EPA’s disclosure of confidential information to its authorized representatives.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

### **I. GENERAL INSTRUCTIONS**

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide

EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

2. Please identify each person answering and each person consulted in preparing to answer each Question and subpart of each Question.
3. For every Question contained herein, please identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.
4. Please provide a separate response to each question or subquestion in this Request, and precede each answer with the number of the question to which it responds.
5. Please submit all information for each question in a logically sequenced, electronic format (e.g., PDF). Data should be provided in searchable and editable electronic format (e.g., spreadsheet). This information may be provided on a USB drive or CD, and labelled sequentially, if applicable.
6. If Valero has previously submitted the requested information to EPA, it may identify the document instead of resubmitting the document
7. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.
8. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.

## **II. DEFINITIONS**

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart,

interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, USB drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.

The term “Valero” includes any officer, director, agent, or employee of Valero, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof, and any related partnerships or limited partnerships.

The term “you” or “yours” refers to Valero.

The term “facility” refers to the Valero facility located at 9701 Manchester Street, Houston, Texas.

The terms “identify” or “identification” means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Request.

The term “incident” refers to any releases, discharges, or emissions of any liquid, gas, or vapors from Tank 228 and Tank 3 to the atmosphere or ground, including the berm area, and any actions the facility took to contain, mitigate, or control such releases, discharges, or emissions resulting from events that began on or about August 26, 2017.

All terms used in the Request will have their ordinary meaning unless such terms are defined in the Clean Air Act, 42 U.S.C. § 7401 *et seq.* or the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, in which case such statutory or regulatory definitions apply.

The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.

Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

### **III. QUESTIONS**

1. Please provide a detailed description and timeline of the incidents related to Tank 3 and Tank 228. Include the best known start time and duration of the incident. The timeline should address, in detail, the following for each incident:
  - a. Overall description of the incident;
  - b. For each day from August 27 through September 14, 2017, detail the activities taken to respond, including steps taken to minimize emissions or releases, with dates and times for each activity;
  - c. For each day from August 27 through September 14, 2017, provide detailed calculations of emissions and releases, including assumptions made, for releases or surrounding berm area. Provide the duration of each phase of controls (e.g. prior to applying foam, after liquids removed from tank, after roof removed);
  - d. For each day from August 27 through September 14, 2017, note if any monitoring was performed onsite or offsite. Provide a map of monitoring locations, pollutants monitored, instrument or equipment used, and corresponding concentrations. Provide records of calibration for each instrument and any corresponding meteorological data;
  - e. During removal of materials from the tank and containment, provide the following information:
    - i. Was any monitoring performed during the process? If so, who performed the monitoring? Please provide these records, including monitoring equipment used;
    - ii. Were vacuum trucks used? Did they have vapor controls? If not, were emissions generated included in the calculation of emissions for the incident?
2. Please provide the full analysis of the material in Tank 3, as provided by the supplier.
3. For Tank 3 and Tank 228, provide the following information:
  - a. Type of external floating roof (e.g. pontoon, pan);
  - b. Types of controls (e.g. mechanical shoe, double wiper);
  - c. Records of design (as built);
  - d. Records of the material stored, the true vapor pressure of materials, and the period of storage for the last 2 years;
  - e. Regulations to which each tank is subject (40 C.F.R. and TCEQ);
  - f. Copies of each permit or authorizations to operate;

- g. The standards Valero uses to maintain these tanks (e.g. API 653, NSPS Kb);
- h. For API inspections, records of internal (last two) and external (5 years, or last two if only one during the 5-year period) inspections and corresponding repair records;
- i. For 40 C.F.R. 60 Subpart K, Ka, and/or Kb inspections, the following information:
  - i. The company that performs tank inspections and seal gap measurements? (Valero employee or contractor);
  - ii. Records of these inspections, including seal gap measurements, for the last 5 years;
- j. Preventative maintenance and work orders for 5 years;
- k. Any records of emissions issues with the tanks prior to Hurricane Harvey (Tank 3 – roof or controls; Tank 228 – problems with roof drain);
- l. Operating procedures, checklists or process descriptions for the following:
  - i. Maintenance and operation of the tanks;
  - ii. Rain events/hurricane planning/preparations; and
  - iii. Monitoring during emissions events and subsequent cleanup.
- m. Measures taken in preparation for Hurricane Harvey.

**Enclosure B**

Clean Air Act Section 114 Information Request  
Statement of Certification

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for submitting false statements and information, including the possibility of fine and imprisonment for knowing violations.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Office or Title: \_\_\_\_\_

Date: \_\_\_\_\_